



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

nebulous state for the attorney who addresses himself to such litigation infrequently. One wishes that the authors had indicated in a concluding section the theory which bore the stamp of their approval, or had given a résumé of their own conclusions. It would help the novice.

The plan of the work is most comprehensive. The volume is divided into three Books, and an Appendix—the latter consisting in the main of the Rules of Practice and the Forms in use before the Interstate Commerce Commission.

Book I is made up of a most excellent and thoroughly readable historical discussion of the law of public callings in general, followed by a detailed consideration of the primary obligations and rights of carriers. This Book is written in the most pleasing English style of any volume which has come to the reviewer's table in many a day.

Book II concerns itself with the regulation of railroad rates in accordance with Common Law principles, treating the subject under the two general heads of Limitation of Charges, and Prevention of Discrimination. Upon the subject of charges the treatise is sure to be a most helpful source of information to both bench and bar. The rates are first considered as an entire schedule and the consideration is most thorough and illuminating. The complex subject of the reasonableness of a particular rate is treated in great detail, covering some two hundred pages. As a whole the result in the latter instance is rather indefinite, but this is due quite as much to the fact that the subject itself is not susceptible of definite statement in its present development, as to the fact that it is a sphere of legal endeavor far removed from the classroom, or the lawyer's study. Indeed it smacks considerably more of the counting-house than either. The literary quality of this Book is far inferior to that of Book I. As a matter of fact there is none. This book is made up of a succession of long quotations from decisions strung together by such phrases as:—"The problem was concisely stated by Judge Speer, who said, &c." "In reply to this position the Interstate Commerce Commission observed,"—and other slight variations of them employed until they become almost monotonous in their constant reiteration. These faults are to be expected in a book compiled as hastily as this one, and will doubtless disappear in a second edition. The meat is there and the book is bound to be of incalculable assistance to courts, commissions and lawyers in working out the law in this complex field.

Book III is made up of an examination of Legislation in regulation of railroad rates in England and by the Federal Congress and State Legislatures in this country.

Little but what is commendatory can be said of this most scholarly and painstaking work. What faults there are arise evidently from the haste of preparation; and an overworked bar would much prefer to have the book now with any of its slight imperfections than to await its later appearance without them.

OUTLINES OF CRIMINAL LAW. BY COURTNEY S. KENNY. Revised and Adapted for American Scholars by JAMES H. WEBB. New York: The Macmillan Company. London: Macmillan & Co., Ltd. 1907. pp. xxii, 404.

This is an American revision of Dr. Kenny's well-known treatise on Criminal Law. In its original form, the book was the outcome of the author's experience as a lecturer at Cambridge, and embodied the substance of his instruction to students in that University. It was not prepared for the practitioner, but for "young men preparing for academical or professional examinations." The author's aim was to prepare an elementary treatise—to deal with the most important and popular topics in criminal law, and to present the legal rules and principles governing these topics, in a manner which would be intelligible to those who are untrained in the law.

Dr. Kenny's assertion, that criminal law is peculiarly capable of being rendered interesting, will not be doubted by any reader of this admirable volume. The close connection of this branch of the law with history, with ethics, with politics and with sociology is made apparent in every chapter. The author, too, has availed himself of the official statistics of English courts and prisons, in the hope of presenting to his readers a clear idea of the present administration of criminal justice in England, and of the comparative importance of the various forms of its procedure. One has only to turn to the chapter on Felonious Homicides, to discover that this method has proved most successful.

The extent to which the text has been revised by the American editor is not indicated by brackets, or any similar token. However, a careful comparison of this edition with the English text shows that the revision consists chiefly in the omission of certain chapters, and the addition of a sentence or a paragraph, here and there. These supplemental statements, and the American authorities supporting them, are not very numerous; nor are they always very valuable. For example, in the chapter on Libel, this sentence is added: "In all the American states, the truth may be shown in defence, in criminal prosecutions for libel, as well as in private actions, and this right is expressly declared and safeguarded in many of the state constitutions." But the editor does not call attention to the fact that, while the truth of the libellous publication is a perfect defense to a civil action in most of the states, it is often not a defence to a criminal prosecution, unless it is published "with good motives and for justifiable ends." (Cal. Pen. Code, § 251, Const. Art. 1, § 9; Code Dist. Col. § 817; N. Y. Const., Art. 1, § 8).

Again, this statement in the English text goes unchallenged by the American editor: "There is no civil action for libelling a class of persons, if, as must usually be the case, its members are too numerous to join as plaintiffs in a litigation." He might well have noted the modification of this too broad declaration by such cases as *Wofford v. Meeks*, 129 Ala. 349; *Hardy v. Williamson*, 86 Ga. 551, and *Bornmann v. The Star Co.*, 174 N. Y. 212. On the following page (p. 302) the rules applicable to civil actions for libels upon the dead, and to criminal prosecutions therefor, are supported only by English cases, although we might reasonably expect to find, in this edition, the citation of recent American decisions; as for example, *Bradt v. New Nonpareil Co.*, 108 Ia. 449, where the distinction between the two classes of proceedings is clearly and authoritatively set forth.

The omission of several chapters, relating to the organization and

jurisdiction of English criminal courts, to the procedure therein, and to the efforts and prospects for the reformation of the criminal law in England, was made, the editor tells us, "for obvious reasons." Undoubtedly, these chapters are not important for the practitioner in this country; but they are instructive to any thoughtful reader, and possess unusual interest for the student of legal institutions. They might have been assigned, very properly, to an Appendix, but their retention, in some way, it is submitted, would have increased the value of this edition.

THE PRACTICE OF DIPLOMACY. BY JOHN W. FOSTER. Boston and New York: Houghton, Mifflin & Company. 1906. pp. 401.

In "The Practice of Diplomacy," Mr. Foster has given a very interesting and valuable account of the general machinery through which diplomatic negotiations are carried on, the method of appointment and the duties as prescribed by law and custom, of diplomatic representatives and consuls; and, more important still, he has furnished a discussion of the chief questions of importance that are likely to engage their attention. Emphasis is very naturally laid upon the rules and regulations of the United States, though the practice of foreign States is not neglected; particularly is this the case where such practice differs from our own.

From his long experience in the actual practice of diplomacy, Mr. Foster may be regarded as speaking with no little authority, and it is for this reason especially gratifying to hear him proclaim candor and honesty as the most necessary qualities for a successful diplomat, and we heartily concur in his praise of the United States for the consistency with which her diplomats have displayed these characteristics. As was to be expected, Mr. Foster stands for the elevation of the service and thinks this can only be accomplished by taking it out of politics and by instituting a merit system of promotion, for all at least except the highest posts; for these it may sometimes be necessary to choose men who have won distinction in other walks of life. Only in this way will it be possible for the diplomatic service to become a career and attract young men of ability. The beginnings of reform made by Executive Order are good so long as they last, but are unsatisfactory because liable to be revoked by the next Executive.

Though one must agree in the main with the positions taken and with the whole tone of the book, there are nevertheless some points about which a difference of opinion, at any rate, may be permissible. For example, Mr. Foster is not entirely convincing in his disapproval of the use of ambassadors by the United States, nor does he seem to give sufficient weight to the inconveniences to which our representatives were at times subjected because of their inferior rank. It may well be that the abolition of all ranks is highly desirable, but it does not seem at all probable in the near future, and meanwhile it would seem to be a wise policy to avail ourselves of all legitimate means of putting our representatives on a par with those of other countries. There can be little objection on the score of their character as personal representatives of the ruler, for Mr. Foster himself admits that this is merely a remnant of former times, no longer of real significance. Again, it may be questioned whether the